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Attorneys for Defendant  
LOMA LINDA UNIVERSITY MEDICAL CENTER

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

DEBORAH MOLLER, an individual  
and successor-in-interest of BRET  
BREUNIG, deceased,

Plaintiffs,

vs.

COUNTY OF SAN BERNARDINO, a  
public entity; UNIDENTIFIED  
DEPUTIES, individuals; CITY OF  
REDLANDS, a public entity;  
UNIDENTIFIED OFFICERS,  
individuals; LOMA LINDA  
UNIVERSITY MEDICAL CENTER, a  
non-profit corporation; UNIDENTIFIED  
HEALTH CARE PROFESSIONALS,  
individuals; and KENNETH BREUNIG,  
a nominal Defendant,

Defendant.

Civil No.: 5:22-cv-01306-DSF-MAR  
*Consolidated with: 5:22-CV-02135-DSF-MAR*

Assigned to JUDGE DALE S. FISCHER,  
Courtroom 7D, for all purposes including trial

**STIPULATION FOR ENTRY OF  
JUDGMENT/DISMISSAL FOR  
DEFENDANT LOMA LINDA  
UNIVERSITY MEDICAL CENTER**

*Trial Date Deborah Moller v. County of San  
Bernardino and Deputy Breana Fite: 08/13/14  
Mistrial, Pending New Date*

*Trial Date Deborah Moller v. Loma Linda  
University Medical Center: vacated*

*Lead case:  
Complaint filed: 07/27/22  
FAC filed: 09/12/22  
SAC filed: 12/08/22  
TAC filed: 01/30/23*

KENNETH BREUNIG, individually and  
as successor-in-interest of BRET  
BREUNIG, deceased,

Plaintiff,

vs.

COUNTY OF SAN BERNARDINO, a  
public entity; BREANA FITE,  
individually; LOMA LINDA  
UNIVERSITY MEDICAL CENTER, a  
California non-profit corporation; DOE  
HEALTH CARE PROFESSIONALS,  
individuals; and DOES 1-10,  
individually,

Defendant.

*Consolidated Case:  
Complaint filed: 12/01/22*

### **RECITALS**

1. On July 27, 2022, Plaintiff Deborah Moller filed her complaint initiating this action. (Dkt. 1) On September 12, 2022, Plaintiff Deborah Moller filed her first amended complaint. (Dkt. 19) On December 8, 2022, Plaintiff Deborah Moller filed her second amended complaint. (Dkt. 51) On January 30, 2022, Plaintiff Deborah Moller filed her third amended complaint alleging *inter alia*, violations of EMTALA (42 U.S.C. section 1395dd) as against Defendant Loma Linda University Medical Center. (Dkt. 64)

2. On September 18, 2023, Defendant Loma Linda University Medical Center filed its motion for summary judgment, or in the alternative, partial summary judgment. (Dkt. 91). The matter having been fully briefed, the Court granted partial summary judgment in favor of Loma Linda University Medical Center as to Moller's causes of action for negligence and violation of the Bane Act, and as to Kenneth Breunig's claims. (Dkt. 175)

3. Trial in this matter was set for October 29, 2024. On October 22, 2024, the Court vacated the trial date due to plaintiff's failure to prosecute and set an Order to Show Cause hearing for November 4, 2024, at 11:00 a.m., regarding imposition of sanctions, including a potential award of Loma Linda University Medical Center's attorneys' fees incurred as a

1 result of plaintiff's conduct. (Dkt. 350) The parties filed declarations in response to the  
2 Court's Order. (Dkts. 352 & 353) On November 4, 2024, the Order to Show Cause Hearing  
3 came on for hearing. The Court and counsel conferred on the record. The hearing was  
4 continued until November 18, 2024, at 11:00 a.m. (Dkt. 354)

5 **STIPULATION**

6 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between  
7 Deborah Moller and Loma Linda University Medical Center ("Parties"), through their  
8 respective counsel, as follows:

9 1. The Court may enter final judgment in favor of Loma Linda University Medical  
10 Center in totality in this action, including the remaining causes of action for alleged violation  
11 of the Emergency Medical Treatment and Labor Act (42 U.S.C. 1395dd) and California  
12 Health & Safety Code section 1317;

13 2. The Parties stipulate to forego any and all rights to appeal as to the claims as to  
14 Loma Linda University Medical Center, only;

15 3. Loma Linda University Medical Center foregoes any right to bring or pursue a  
16 claim for malicious prosecution;

17 4. The Parties, and each of them, are to bear their own costs and attorneys' fees,  
18 arising from or related to this action; and

19 5. With the filing of this stipulation resolving all matters, unless otherwise ordered  
20 by this Court, the Parties intend not to appear on November 18, 2024, at 11:00 a.m.

21  
22 Dated: November 15, 2024 LAW OFFICES OF KEVIN S. CONLOGUE

23 By: /s/ Ashley M. Conlogue  
24 KEVIN S. CONLOGUE, ESQ.  
25 ASHLEY M. CONLOGUE, ESQ.  
26 Attorneys for Plaintiff  
27 DEBORAH MOLLER  
28

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1 Dated: November 15, 2024

2 LA FOLLETTE, JOHNSON, DeHAAS, FESLER &  
3 AMES

4 By: / s / Michael D. Reid

5 MICHAEL D. REID, ESQ.

6 STEPHEN J. GUICHARD, ESQ.

7 Attorneys for Defendant

8 LOMA LINDA UNIVERSITY MEDICAL CENTER

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LA FOLLETTE, JOHNSON, DeHAAS, FESLER & AMES

# CERTIFICATE OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is LA FOLLETTE, JOHNSON, DeHAAS, FESLER & AMES, 2677 North Main Street, Suite 901, Santa Ana, California 92705-6632.

SEE ATTACHED MAILING LIST

Executed on November 15, 2024, at Santa Ana, California.

**SERVICE LIST**

DEBORAH MOLLER, et al. v. COUNTY OF SAN BERNARDINO, et al.

Our File No.: 00690.43298 MDR

Case No.: 5:22-cv-01306-DSF-MAR; Consolidated with: 5:22-CV-02135-DSF-MAR

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Attorneys for Defendant, San Bernardino County (named as County of San Bernardino)

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